

REMARKS

Claim 17 was amended to include the limitations of claim 18. Claim 18 was cancelled. Claims 1-17 and 19-26 remain pending. Reconsideration is respectfully requested.

Claims 1, 3, 4, 9, 11, 12, 17 and 18 were rejected under 35 USC §103(a) as obvious over Leone (U.S. Patent No. 5,797,868). The cited reference describes a number of approaches for diffusing light emanating from within a balloon catheter with the use of reflective particles, including 'coating' a catheter component with a reflective material. The Examiner asserts that it is obvious to one of ordinary skill in the art that multiple thin layers can combine to create one thick layer. However, absolutely no teaching or motivation is offered in the cited reference or by the Examiner as to why the addition of complexity to a device (as each layer comprises an additional element) along with the commensurate increase in manufacturing steps necessary in order to apply the additional layers would be obvious. Moreover, absolutely no motivation is identified as to why a thin first layer should be combined with a thicker second layer especially in view of the fact that the radiopacity is a function of the thickness of the radiopaque material rather than the number of layers. It is respectfully submitted that in view of the fact that the cited reference was not concerned with the problem of preventing damage to a polymer while rendering a polymeric component radiopaque (rather than merely rendering it light diffusive), a solution to such problem that requires modification of the structure described

in the cited reference, let alone the particular solution presently claimed, cannot be considered obvious.

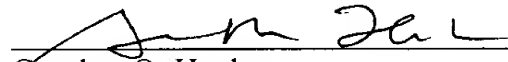
Claims 1-8, 11, 13, 14, 15 and 19-26 were rejected under 35 USC §103(a) as obvious over Ragheb et al. (U.S. Patent No. 5,873,904). The Examiner asserts that the cited reference teaches multiple layers of radiopaque material on a polymeric component. Applicants respectfully traverse. It is respectfully submitted that while the reference teaches that multiple layers of bioactive material may be posited on the stent, so as to allow the device to perform more than a single therapeutic function (column 14, line 50-52), there is absolutely no suggestion that more than one layer of the radiopaque material is to be applied thereto, nor that any advantage is to be gained thereby. As was the case with regard to the Leone reference, absolutely no teaching or motivation is offered in the cited reference nor by the Examiner as to why the addition of complexity to a device (as each layer comprises an additional element) along with the commensurate increase in manufacturing steps necessary in order to apply the additional layers would be obvious. Moreover, absolutely no motivation is identified as to why a thin first layer should be combined with a thicker second layer. It is respectfully submitted that in view of the fact that the cited reference was not concerned with the problem of preventing damage to a polymer while rendering a polymeric component radiopaque (rather than merely rendering it diffusive), a solution to such problem that requires modification of the structure described in the cited reference, let alone the particular solution presently claimed, cannot be considered obvious.

Claim 16 was rejected under 35 USC §103(a) as obvious over Ragheb et al. In view of the non-obviousness of independent claim 1 as was argued above, it is respectfully submitted that any claims depending therefrom are similarly non-obvious.

In light of the above amendments and remarks, applicants earnestly believe the application to now be allowable and respectfully request that it be passed to issue.

Respectfully submitted,

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